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Draft: October 13, 2020

GROUND WATER QUALITY BUREAU
DISCHARGE PERMIT
Issued under 20.6.2 NMAC

Facility Name: White Cliffs Mutual Domestic Water Users Association
(MDWUA) Treatment and Disposal System

Discharge Permit Number: DP-977

Facility Location: At the intersection of Hasler Valley Road and Bishop Drive
Gallup, NM

County: McKinley

Permittee: White Cliffs MDWUA
Mailing Address: Michael Daly, President
P.O. Box 1518
Gallup, NM 87035

Facility Contact: Michael Daly
Telephone Number/Email: (505) 870-3430/arrowengineering1@gmail.com

Permitting Action: Renewal

Permit Issuance Date: DATE
Permit Expiration Date: DATE

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MICHELLE HUNTER
Chief, Ground Water Quality Bureau
New Mexico Environment Department

Date

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	FINDINGS.....	3
III.	AUTHORIZATION TO DISCHARGE	3
IV.	CONDITIONS	3
	A. OPERATIONAL PLAN	4
	Operational Actions with Implementation Deadlines.....	4
	Operating Conditions.....	6
	B. MONITORING AND REPORTING	9
	Due Dates for Monitoring Reports	10
	Monitoring Actions with Implementation Deadlines.....	10
	Groundwater Monitoring Conditions.....	12
	Facility Monitoring Conditions	14
	C. CONTINGENCY PLAN	17
	D. CLOSURE PLAN	23
	E. GENERAL TERMS AND CONDITIONS	25

ATTACHMENTS

Discharge Permit Summary
Table of 20.6.2.3103 Standards for Groundwater
Groundwater Discharge Permit Guidance for Synthetically Lined Lagoons – Liner
Material and Site Preparation, Revision 0.0, May 2007
New Mexico Environment Department Ground Water Quality Bureau Monitoring Well
Construction and Abandonment Guidelines, Revision 1.1, March 2011 (Monitoring
Well Guidance)
Land Application Data Sheet (LADS - <https://www.env.nm.gov/gwb/forms.htm>)

I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this groundwater discharge permit Renewal (Discharge Permit or DP-977), to the White Cliffs Mutual Domestic Water Users Association (MDWUA or Permittee) pursuant to the New Mexico Water Quality Act (WQA), NMSA 1978 §§74-6-1 through 74-6-17, and the New Mexico Water Quality Control Commission (WQCC) Ground and Surface Water Protection Regulations, 20.6.2 NMAC.

NMED's purpose in issuing this Discharge Permit, and in imposing the requirements and conditions specified herein, is to control the discharge of water contaminants from White Cliffs MDWUA Treatment and Disposal System (Facility) in order to protect groundwater and those segments of surface water gaining from groundwater inflow for present and potential future use as domestic and agricultural water supply and other uses, and to protect public health. It is NMED's determination in issuing this Discharge Permit that the Permittee has met the requirements of Subsection C of 20.6.2.3109 NMAC. The Permittee is responsible for complying with the terms and conditions of this Discharge Permit pursuant to Section 20.6.2.3104 NMAC; failure to do so may result in enforcement action by NMED (20.6.2.1220 NMAC).

Described below are the activities that produce the discharge, the location of the discharge, and the quantity, quality and flow characteristics.

The Permittee manages domestic and industrial wastewater discharges at a volume up to 25,000 gallons per day (gpd) using a two-celled clay-lined facultative impoundment treatment system operated in parallel or in series and a third clay-lined facultative impoundment for disposal by evaporation. The Permittee may dispose of treated domestic wastewater on 7.5 acres (i.e., land disposal area) by surface application once the Permittee constructs a synthetically lined evaporative impoundment for the RO concentrate (currently discharged into the facultative impoundment system) from the drinking water system for the White Cliffs MDWUA.

The discharge may contain water contaminants or toxic pollutants elevated above the standards of Section 20.6.2.3103 NMAC and is not subject to the exemption at Subsection 20.6.2.3105.A NMAC.

The Facility is located at the intersection of Hasler Valley Road and Bishop Drive, approximately 1/2 miles northeast of Gallup, in Section 8, Township 15N, Range 17W, McKinley County. A discharge at the Facility is most likely to affect groundwater at a depth of approximately 13 feet and having a total dissolved solids (TDS) concentration of approximately 3,630 milligrams per liter.

NMED issued the original Discharge Permit to the Permittee on March 28, 1995 and subsequently renewed and modified the Permit on July 20, 2001 and on December 5, 2008 and renewed the Permit on November 16, 2015. The application (i.e., discharge plan) associated with this

Discharge Permit consists of the materials submitted by the Permittee dated June 5, 2020, and materials contained in the administrative record prior to issuance of this Discharge Permit. The Permittee shall manage the discharge in accordance with all conditions and requirements of this Discharge Permit.

NMED reserves the right to require a Discharge Permit modification in the event NMED determines that the Permittee is or may be violating, or is likely to violate in the future, the requirements of 20.6.2 NMAC or the standards of Section 20.6.2.3103 NMAC. NMED reserves this right pursuant to Section 20.6.2.3109 NMAC. An NMED requirement to modify the Discharge Permit may result from a determination by the department that structural controls and/or management practices approved under this Discharge Permit are insufficiently protective of groundwater quality and human health. NMED reserves the right to require the Permittee implement abatement of water pollution and remediate groundwater quality.

NMED issuance of this Discharge Permit does not relieve the Permittee of the responsibility to comply with the WQA, WQCC Regulations, and any other applicable federal, state and/or local laws and regulations, such as zoning requirements and nuisance ordinances.

This Discharge Permit may use the following acronyms and abbreviations.

Abbreviation	Explanation	Abbreviation	Explanation
BOD ₅	biochemical oxygen demand (5-day)	NMSA	New Mexico Statutes Annotated
CFR	Code of Federal Regulations	NO ₃ -N	nitrate-nitrogen
CFU	colony forming unit	NTU	nephelometric turbidity units
Cl	chloride	QA/QC	Quality Assurance/Quality Control
EPA	United States Environmental Protection Agency	TDS	total dissolved solids
gpd	gallons per day	TKN	total Kjeldahl nitrogen
LAA	land application area	total nitrogen	= TKN + NO ₃ -N
LADS	Land Application Data Sheet(s)	TRC	total residual chlorine
mg/L	milligrams per liter	TSS	total suspended solids
mL	milliliters	WQA	New Mexico Water Quality Act
MPN	most probable number	WQCC	Water Quality Control Commission
NMAC	New Mexico Administrative Code	WWTF	Wastewater Treatment Facility
NMED	New Mexico Environment Department		

II. FINDINGS

In issuing this Discharge Permit, NMED finds the following.

1. The Permittee is discharging effluent or leachate from the Facility so that such effluent or leachate may move into groundwater of the State of New Mexico that has an existing concentration of 10,000 mg/L or less of TDS, within the meaning of Subsection A of 20.6.2.3101 NMAC, without exceeding standards of 20.6.2.3103 NMAC for any water contaminant.
2. The Permittee is allowed to discharge effluent or leachate from the Facility directly or indirectly into groundwater pursuant to this Discharge Permit and Sections 20.6.2.3000 through 20.6.2.3114 NMAC.
3. The discharge from the Facility is not subject to any of the exemptions of Section 20.6.2.3105 NMAC.

III. AUTHORIZATION TO DISCHARGE

The Permittee is responsible for ensuring that discharges authorized by this Discharge Permit are consistent with the terms and conditions herein pursuant to 20.6.2.3104 NMAC.

This Discharge Permit authorizes the Permittee to discharge up to 25,000 gpd of domestic and industrial (RO concentrate) wastewater using a two-celled clay-lined facultative impoundment treatment system operated in parallel or in series and a third clay-lined facultative impoundment for disposal by evaporation. The Permittee may dispose of treated domestic wastewater on a 7.5-acre land disposal area once the Permittee constructs a synthetically lined evaporative impoundment for the RO concentrate (currently discharged into the facultative impoundment system) from the drinking water system for the White Cliffs MDWUA.

[20.6.2.3104 NMAC, Subsection C of 20.6.2.3106 NMAC, Subsection D of 20.6.2.3109 NMAC]

IV. CONDITIONS

NMED issues this Discharge Permit for the discharge of water contaminants subject to the following conditions.

A. OPERATIONAL PLAN

#	Terms and Conditions
1.	The Permittee shall implement the following operational plan to ensure compliance with Title 20, Chapter 6, Parts 2 and 4 NMAC. [Subsection C of 20.6.2.3109 NMAC]
2.	The Permittee shall operate in a manner that does not violate standards and requirements of Sections 20.6.2.3101 and 20.6.2.3103 NMAC. [20.6.2.3101 NMAC, 20.6.2.3103 NMAC, Subsection C of 20.6.2.3109 NMAC]

Operational Actions with Implementation Deadlines

#	Terms and Conditions
3.	Prior to discharging to the land disposal area, the Permittee shall submit written notification to NMED stating the date the discharge is to commence. [Subsection A of 20.6.2.3107 NMAC, Subsection H of 20.6.2.3109 NMAC]
4.	<p>A minimum of 90 days prior to construction of the synthetically lined evaporative impoundment for the RO concentrate, the Permittee shall submit final construction plans and specifications for NMED's review for the proposed impoundment. The construction plans and specifications shall bear the seal and signature of a licensed New Mexico professional engineer (pursuant to New Mexico Engineering and Surveying Practice Act and the rules promulgated under that authority) and shall include the supporting design calculations.</p> <p>The submitted documentation shall include the following elements.</p> <ul style="list-style-type: none">a) Details for the construction of the evaporative impoundment and a liner consistent with the attachment titled <i>Groundwater Discharge Permit Guidance for Synthetically Lined Lagoons – Liner Material and Site Preparation</i>, Revision 0.0, May 2007.b) Evaporative impoundment capacity and evaporative potential design calculations - The impoundment shall be designed to dispose of the permitted discharge volume by evaporation while preserving two feet of freeboard. Design calculations may consider seasonal discharge patterns.c) Wastewater system component(s) design, e.g., lift stations, valves, transfer lines, process units and associated details;d) Flow meter design detail - Flow meters to measure the volume of wastewater discharged to the evaporative impoundment.

#	Terms and Conditions
	<p>e) Specifications for all equipment, materials and installation procedures the Permittee will use in the construction of the wastewater system.</p> <p>Prior to constructing the evaporative impoundment and its associated components, the Permittee shall obtain written verification from NMED that the plans and specifications meet the requirements of this Discharge Permit.</p> <p>[Subsections A and C 20.6.2.1202 NMAC, Subsection C of 20.6.2.3106 NMAC, Subsection C of 20.6.2.3107 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
5.	<p>Prior to discharging to the evaporative impoundment, the Permittee shall complete construction in accordance with the final construction plans and specifications required by this Discharge Permit. The Permittee shall notify NMED at least five working days prior to commencement of construction to allow NMED personnel to be onsite for inspection.</p> <p>[Subsections A and C of 20.6.2.1202 NMAC, Subsection C of 20.6.2.3109 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
6.	<p>Within 30 days of completing construction of the evaporative impoundment the Permittee shall submit record drawings to NMED that bear the seal and signature of a licensed New Mexico professional engineer (pursuant to the New Mexico Engineering and Surveying Practice Act and the rules promulgated under that authority) for the constructed impoundment.</p> <p>[Subsections A and C of 20.6.2.1202 NMAC, Subsection C of 20.6.2.3109 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
7.	<p>Prior to discharging treated domestic wastewater to the land disposal area, the Permittee shall install the infrastructure necessary to transfer, distribute and apply treated domestic wastewater. Documentation confirming installation of the distribution system shall consist of a narrative statement including the system type and location, and the method of backflow prevention employed (if applicable). The Permittee shall provide this documentation to NMED prior to discharging to the land disposal area.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
8.	<p>Prior to discharging treated domestic wastewater to the land disposal area, the Permittee shall install 18 to 24-inch berms around the disposal area to prevent surface water run-on and run-off. Documentation of berm installation shall consist of a narrative statement describing the berm locations and date-stamped photographs. The Permittee shall submit the documentation to NMED in the next required periodic monitoring report.</p>

#	Terms and Conditions
	[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
9.	<p>Within two years following the issuance date of this Discharge Permit (by DATE), the Permittee shall measure the thickness of the settled solids in three facultative impoundment treatment system. The Permittee shall report the results of the solids thickness measurements to NMED in the next required periodic monitoring report.</p> <p>The Permittee shall measure the thickness of settled solids in accordance with the following procedure.</p> <ul style="list-style-type: none"> a) The division of the total surface area of the treatment impoundment into nine equal sub-areas. b) One measurement (to the nearest half foot) using a settled solids measurement device (e.g., core sampler) per sub-area. c) Calculation of the average of the nine measurements. <p>In the event that the measured settled solids exceed one-third of the maximum liquid depth in the impoundment, the Permittee shall implement the Contingency Plan set forth in this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>

Operating Conditions

#	Terms and Conditions									
10.	<p>The Permittee shall ensure that treated domestic wastewater discharged from the final treatment impoundment does not exceed the following discharge limits.</p> <table><tr><td><u>Test</u></td><td><u>30-day Average</u></td><td><u>Maximum</u></td></tr><tr><td>Total Nitrogen</td><td>N/A</td><td>20 mg/L</td></tr><tr><td>Fecal coliform</td><td>1,000 CFU/100 mL</td><td>5,000 CFU/100 mL</td></tr></table> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>	<u>Test</u>	<u>30-day Average</u>	<u>Maximum</u>	Total Nitrogen	N/A	20 mg/L	Fecal coliform	1,000 CFU/100 mL	5,000 CFU/100 mL
<u>Test</u>	<u>30-day Average</u>	<u>Maximum</u>								
Total Nitrogen	N/A	20 mg/L								
Fecal coliform	1,000 CFU/100 mL	5,000 CFU/100 mL								
11.	<p>The Permittee shall apply treated domestic wastewater evenly throughout the entire land disposal area such that the amount of total nitrogen applied does not exceed 200 pounds per acre in any rolling 12-month period. The Permittee shall not adjust nitrogen content to account for volatilization or mineralization processes. A requirement to track nitrogen loading utilizing a Land Application Data Sheet is included elsewhere in this Discharge Permit.</p>									

#	Terms and Conditions
	<p>The Permittee shall prevent excessive ponding from occurring due to the discharge.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>
12.	<p>The Permittee shall meet the following setbacks, access restrictions, and equipment requirements for disposal of treated domestic wastewater.</p> <ul style="list-style-type: none">a) A minimum 100-foot setback shall be maintained between any dwellings or occupied establishments and the edge of the land disposal area.b) Flood and drip irrigation of reclaimed domestic wastewater shall only occur in a manner that minimizes public contact.c) Public access to the land disposal area shall be restricted by perimeter fencing using four-strand barbed wire and a locking gate, or other access controls approved by NMED. <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
13.	<p>The Permittee shall institute a backflow prevention method to protect wells and public water supply systems from contamination by treated domestic wastewater prior to discharging to the land disposal area. Backflow prevention shall be achieved by a total disconnect (physical air gap separation between the discharge pipe and the liquid surface at least twice the diameter of the discharge pipe), or by a reduced pressure principal backflow prevention assembly (RP) installed on the line between the fresh water supply wells or public water supply and the reclaimed domestic wastewater delivery system. The Permittee shall maintain backflow prevention at all times.</p> <p>The Permittee shall have RP devices inspected and tested by a certified backflow prevention assembly tester at the time of installation, repair or relocation and at least on an annual basis thereafter. The backflow prevention assembly tester shall have successfully completed a 40-hour backflow prevention course based on the University of Southern California's Backflow Prevention Standards and Test Procedures, and obtained certification demonstrating completion. The Permittee shall have all malfunctioning RP devices repaired or replaced within 30 days of discovery. Supply lines associated with the RP device shall cease being used until repair or replacement has been completed.</p> <p>The Permittee shall maintain copies of the inspection and maintenance records and test results for each RP device associated with the backflow prevention program at a location available for inspection by NMED.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>
14.	<p>The Permittee shall maintain fences around the WWTF to restrict access by the general public and animals. The fences shall consist of a minimum of five-foot chain link or field</p>

#	Terms and Conditions
	<p>fencing and locking gates. The Permittee shall maintain the fences to serve the stated purpose throughout the term of this Discharge Permit.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
15.	<p>The Permittee shall install and maintain signs indicating that the wastewater at the Facility is not potable. The Permittee shall post signs at the Facility entrance and other areas where there is potential for public contact with wastewater. The signs shall be printed in English and Spanish and shall remain visible and legible for the term of this Discharge Permit.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
16.	<p>The Permittee shall maintain the impoundment liners to avoid conditions that could affect the liner or the structural integrity of the impoundments. Characterization of such conditions may include the following:</p> <ul style="list-style-type: none">• erosion damage;• animal burrows or other damage;• the presence of vegetation including aquatic plants, weeds, woody shrubs or trees growing within five feet of the top inside edge of a sub-grade impoundment, within five feet of the toe of the outside berm of an above-grade impoundment, or within the impoundment itself;• the presence of large debris or large quantities of debris in the impoundment;• evidence of seepage; or• evidence of berm subsidence. <p>The Permittee shall routinely control vegetation growing around the impoundments by mechanical removal that is protective of the impoundment liner.</p> <p>The Permittee shall visually inspect the impoundments and surrounding berms on a monthly basis to ensure proper maintenance. In the event that inspection reveals any evidence of damage that threatens the structural integrity of an impoundment berm or liner, or that may result in an unauthorized discharge, the Permittee shall implement the Contingency Plan set forth in this Discharge Permit.</p> <p>The Permittee shall create and maintain a log of all impoundment inspections which describes the date of the inspection, any findings and repairs and the name of the person responsible for the inspection. The Permittee shall make the log available to NMED upon request.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>

#	Terms and Conditions
17.	<p>The Permittee shall preserve a minimum of two feet of freeboard, i.e., the liquid level in the impoundment and the elevation of the lowest-most top of the impoundment liner.</p> <p>In the event that the Permittee determines that it cannot preserve two feet of freeboard in the impoundment, the Permittee shall implement the Contingency Plan set forth in this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
18.	<p>The Permittee shall properly manage all solids generated by the treatment system to maintain effective operation of the system by removing solids as necessary and in accordance with associated equipment manufacturer's specifications. The Permittee shall contain, transport and dispose of solids removed from the treatment process in accordance with all local, state, and federal regulations.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
19.	<p>The Permittee shall inspect and clean the lift station as needed to prevent pump failure.</p> <p>The Permittee shall maintain a record of lift station inspections, repairs and cleanings, and shall make the record available to NMED upon request.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
20.	<p>The Permittee shall utilize operators, certified by the State of New Mexico at the appropriate level pursuant to 20.7.4 NMAC, to operate the wastewater collection, treatment and disposal systems. A certified operator or a direct supervisee of a certified operator shall perform the operations and maintenance of all or any part of the wastewater system.</p> <p>The Permittee shall notify the NMED within 24 hours if at any time the Permittee no longer has a certified operator maintaining the system.</p> <p>[Subsection C of 20.6.2.3109 NMAC, 20.7.4 NMAC]</p>

B. MONITORING AND REPORTING

#	Terms and Conditions
21.	<p>The Permittee shall conduct the monitoring, reporting, and other requirements listed below in accordance with the monitoring requirements of this Discharge Permit.</p>

#	Terms and Conditions
	[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
22.	<p>METHODOLOGY – Unless otherwise specified by this Discharge Permit, or approved in writing by NMED, the Permittee shall use sampling and analytical techniques that conform with the references listed in Subsection B of 20.6.2.3107 NMAC.</p> <p>[Subsection B of 20.6.2.3107 NMAC]</p>
23.	<p>Semi-annual monitoring: The Permittee shall perform monitoring and other Permit required actions during the following periods and shall submit semi-annual reports to NMED by the following due dates:</p> <ul style="list-style-type: none"> January 1st through June 30th – due by August 1st; and July 1st through December 31st – due by February 1st. <p>[Subsection A of 20.6.2.3107 NMAC]</p>

Monitoring Actions with Implementation Deadlines

#	Terms and Conditions
24.	<p>Prior to discharging to the RO concentrate evaporative impoundment, the Permittee shall install the following flow meters.</p> <ul style="list-style-type: none"> One totalizing flow meter installed on the discharge line from the water treatment system to the impoundment to measure the volume of RO concentrate wastewater discharged to the impoundment. <p>The Permittee shall submit confirmation of meter installation, type, calibration, and locations within 30 days of completed installations.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
25.	<p>Prior to discharging to the land disposal area, the Permittee shall install the following flow meter.</p> <ul style="list-style-type: none"> One totalizing flow meter installed on the discharge line from the impoundment system to the land disposal area to measure the volume of treated domestic wastewater discharged to the disposal area. <p>The Permittee shall submit confirmation of meter installation, type, calibration, and locations within 30 days of completed installations.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>

#	Terms and Conditions
26.	<p>Prior to discharging to the land disposal area and following the construction of the RO concentrate evaporative impoundment, the Permittee shall submit a written groundwater monitoring well location proposal for NMED review and approval. The proposal shall designate the installation locations of the monitoring wells required by Condition 27 and 28 of this Discharge Permit. The proposal shall include, at a minimum, the following information.</p> <ol style="list-style-type: none">A map showing the proposed location of the monitoring wells in relation to the boundary of the source it is intended to monitor.A written description of the specific location proposed for the monitoring wells including the distance (in feet) and direction of the monitoring wells from the edge of the source it is intended to monitor. Examples include: 35 feet north-northwest of the northern berm of the synthetically lined impoundment; 45 feet due south of the leachfield; and 30 feet southeast of the land disposal area 150 degrees from north.A statement describing the groundwater flow direction beneath the Facility, and documentation and/or data supporting the determination. <p>The Permittee must have NMED's approval of all monitoring well locations prior to their installation.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
27.	<p>Prior to discharging to the RO concentrate evaporative impoundment, the Permittee shall install the following new monitoring well.</p> <ul style="list-style-type: none">One monitoring well (MW-9) located 20 to 50 feet hydrologically downgradient of the evaporative impoundment receiving RO concentrate. <p>The Permittee shall complete the well in accordance with the attachment Monitoring Well Guidance, Revision 1.1, March 2011.</p> <p>Unless otherwise noted in this Discharge Permit, the requirement to install a monitoring well downgradient of a source is <u>not</u> contingent upon construction of the Facility, or discharge of wastewater from the Facility.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
28.	<p>Prior to discharging to the land disposal area, the Permittee shall install the following new monitoring well.</p> <ul style="list-style-type: none">One monitoring well (MW-8) located 20 to 50 feet hydrologically downgradient of the 7.5-acre land disposal area.

#	Terms and Conditions
	<p>The Permittee shall complete the well in accordance with the Monitoring Well Guidance attachment.</p> <p>Unless otherwise noted in this Discharge Permit, the requirement to install a monitoring well downgradient of a source is <u>not</u> contingent upon construction of the Facility, or discharge of wastewater from the Facility.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
29.	<p>Following the installation of the monitoring wells required by this Discharge Permit, the Permittee shall sample groundwater in the wells and analyze the samples for TKN, NO₃-N, TDS and Cl.</p> <p>Groundwater sample collection, preservation, transport and analysis shall be performed according to the following procedure.</p> <ol style="list-style-type: none">Measure the depth-to-most-shallow groundwater from the top of the well casing to the nearest one-hundredth of a foot.Purge three well volumes of water from the well prior to sample collection.Obtain samples from the well for analysis.Properly prepare, preserve and transport samples.Analyze samples in accordance with the methods authorized in this Discharge Permit. <p>Within 45 days of the installation of the monitoring wells the Permittee shall submit a well completion report to NMED. A well completion report shall at a minimum include; the Office of the State Engineer permit, well construction and lithologic logs, depth-to-most-shallow groundwater measurements, analytical results including the laboratory QA/QC summary report, and a facility layout map showing the location and number of each well. The Permittee shall insure the well completion report addresses each numbered item in the General Drilling and Well Specifications in the Monitoring Well Guidelines.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>

Groundwater Monitoring Conditions

#	Terms and Conditions
30.	<p>The Permittee shall perform semi-annual groundwater sampling in the following groundwater monitoring wells and analyze the samples for TKN, NO₃-N, TDS and Cl.</p> <ol style="list-style-type: none">MW-3 located hydrologically downgradient of the wastewater impoundment system and located 35 feet southwest of Impoundment #3.MW-8, once installed, located 20 to 50 feet hydrologically downgradient of the 7.5-

#	Terms and Conditions
	<p>acre land disposal area.</p> <p>c) MW-9, once installed, located 20 to 50 feet hydrologically downgradient of the evaporative impoundment receiving RO concentrate.</p> <p>The Permittee shall perform groundwater sample collection, preservation, transport and analysis according to the following procedures.</p> <p>a) Measure the depth-to-most-shallow groundwater from the top of the well casing to the nearest one-hundredth of a foot.</p> <p>b) Purge three well volumes of water from the well prior to sample collection.</p> <p>c) Obtain samples from the well for analysis.</p> <p>d) Properly prepare, preserve and transport samples.</p> <p>e) Analyze samples in accordance with the methods authorized in this Discharge Permit.</p> <p>The Permittee shall submit the depth-to-most-shallow groundwater measurements and the laboratory analytical data results including the laboratory QA/QC summary report for each sample, and a Facility layout map showing the location and number of each well to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
31.	<p>The Permittee shall perform annual groundwater sampling in the following groundwater monitoring wells and analyze the samples for TKN, NO₃-N, TDS and Cl.</p> <ul style="list-style-type: none"> • MW-1, intended to be located hydrologically downgradient of the former synthetically lined treatment lagoons. <p>The Permittee shall perform groundwater sample collection, preservation, transport and analysis according to the following procedures.</p> <p>a) Measure the depth-to-most-shallow groundwater from the top of the well casing to the nearest one-hundredth of a foot.</p> <p>b) Purge three well volumes of water from the well prior to sample collection.</p> <p>c) Obtain samples from the well for analysis.</p> <p>d) Properly prepare, preserve and transport samples.</p> <p>e) Analyze samples in accordance with the methods authorized in this Discharge Permit.</p> <p>The Permittee shall submit the depth-to-most-shallow groundwater measurements and the laboratory analytical data results including the laboratory QA/QC summary report for each sample, and a Facility layout map showing the location and number of each well to NMED in the monitoring reports due by February 1st each year.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>

#	Terms and Conditions
32.	<p>NMED shall have the option to perform downhole inspections of all groundwater monitoring wells identified in this Discharge Permit. NMED shall establish the inspection date and provide at least a 60-day notice to the Permittee by certified mail. The Permittee shall remove any existing dedicated pumps at least 48 hours prior to NMED inspection to allow adequate settling time of sediment agitated from pump removal.</p> <p>Should the Permittee a Facility not have existing dedicated pumps but decide to install a pumps in any of the monitoring wells without a dedicated pump, the Permittee shall notify NMED at least 90 days prior to pump installation so that NMED can schedule a downhole well inspection(s) prior to pump placement.</p> <p>[Subsections A and D of 20.6.2.3107 NMAC]</p>

Facility Monitoring Conditions

#	Terms and Conditions
33.	<p>The Permittee shall measure the monthly volume of treated domestic wastewater discharged from the impoundment system to the land disposal area. The Permittee shall obtain readings from a totalizing flow meter located on the transfer line on a monthly basis and calculate the monthly and average daily discharge volume. The Permittee shall use the monthly volume discharged on the LADS (copy enclosed) to calculate nitrogen loading.</p> <p>The Permittee shall submit the monthly meter readings, calculated monthly discharge volumes, and average daily discharge volumes to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
34.	<p>The Permittee shall on a monthly basis measure the volume of wastewater discharged to the RO concentrate evaporative impoundment during the period.</p> <p>To determine the discharge volume, the Permittee shall obtain readings from a totalizing flow meter located on the RO concentrate discharge line on a monthly basis and calculate the monthly and average daily volume discharged to the impoundment. The Permittee shall submit monthly meter readings, calculated monthly discharge volumes and average daily discharge volumes to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>

#	Terms and Conditions
35.	<p>The Permittee shall on a monthly basis estimate the volume of wastewater received by the wastewater treatment system by recording meter readings for the Facility's water supply on a monthly basis and calculating the monthly and average daily usage volumes.</p> <p>To determine the discharge volume, the Permittee shall use the estimated monthly influent volume* (based upon meter readings) to calculate the average daily volume by the formula below.</p> $\text{estimated monthly volume} \div \text{number of days in the month} = \text{average daily volume}$ <p>Each month, the Permittee shall make note of any significant uses of the water (e.g., irrigation, evaporative cooling or leaks) that do not contribute to the volume of wastewater received.</p> <p>The Permittee shall submit the monthly meter readings, estimated monthly and average daily influent volumes, and notes and estimated volume of significant uses to NMED in the semi-annual monitoring reports.</p> <p>*Should more than one flow meter exist for the Facility's water supply, the Permittee shall calculate the estimated monthly volume for the Facility by adding the estimated monthly volume for each meter. This summation should be completed prior to calculating the average daily volume for the Facility.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
36.	<p>The Permittee shall visually inspect flow meters on a monthly basis for evidence of malfunction. The Permittee shall maintain a log of the inspections that includes a date of the inspection, findings and repairs, and the name of the inspector. The Permittee shall make the log available to NMED upon request.</p> <p>If a visual inspection indicates a flow meter is not functioning as required by this Discharge Permit, the Permittee shall repair or replace the meter within 30 days of discovery. For <i>repaired</i> meters, the Permittee shall submit a report to NMED with the next monitoring report following the repair that includes a description of the malfunction; a statement verifying the repair; and a flow meter field calibration report completed in accordance with the requirements of this Discharge Permit. For <i>replacement</i> meters, the Permittee shall submit a report to NMED with the next monitoring report following the replacement that includes a design schematic for the device and a flow meter field calibration report completed in accordance with the requirements of this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>

#	Terms and Conditions																						
37.	<p>The Permittee shall collect samples of treated domestic wastewater discharged from the final wastewater treatment impoundment to the land disposal area on a semi-annual basis and analyze the samples for:</p> <ul style="list-style-type: none"> • TKN; • NO₃-N; • TDS; and • Cl. <p>In the event that no effluent discharge occurs during the entire semi-annual period, the Permittee shall collect a composite wastewater sample from the final wastewater treatment impoundment and analyze the sample for TKN, NO₃-N, TDS, and Cl. The composite sample shall consist of a minimum of six equal aliquots collected equidistantly around the entire perimeter of the impoundment and thoroughly mixed.</p> <p>The Permittee shall ensure the sample is properly prepared, preserved, transported and analyzed in accordance with the methods authorized in this Discharge Permit. The Permittee shall submit the laboratory analytical data results, including the QA/QC summary and Chain of Custody, to NMED in the quarterly monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>																						
38.	<p>The Permittee shall collect a composite wastewater sample on an annual basis from the RO concentrate evaporative impoundment. The composite samples shall consist of a minimum of six equal aliquots collected equidistantly around the entire perimeter of the evaporative impoundment and thoroughly mixed. The Permittee shall analyze the composite sample for the following inorganic contaminants (dissolved fraction [i.e., filtered], except as noted):</p> <table border="0"> <tbody> <tr> <td>• aluminum (CAS 7429-90-5)</td><td>• manganese (CAS 7439-96-5)</td></tr> <tr> <td>• antimony (CAS 7440-36-0)</td><td>• molybdenum (CAS 7439-98-7)</td></tr> <tr> <td>• arsenic (CAS 7440-38-2)</td><td>• total mercury (nonfiltered) (CAS 7439-97-6)</td></tr> <tr> <td>• barium (CAS 7440-39-3)</td><td>• pH (instantaneous)</td></tr> <tr> <td>• beryllium (CAS 7440-41-7)</td><td>• nickel (CAS 7440-02-0)</td></tr> <tr> <td>• boron (CAS 7440-42-8)</td><td>• radioactivity: combined radium-226 & radium-228 (CAS 15262-20-1)</td></tr> <tr> <td>• cadmium (CAS 7440-43-9)</td><td>• selenium (CAS 7782-49-2)</td></tr> <tr> <td>• chromium (CAS 7440-47-3)</td><td>• silver (CAS 7440-224)</td></tr> <tr> <td>• cobalt (CAS 7440-48-4)</td><td>• sulfate (CAS 14808-79-8)</td></tr> <tr> <td>• copper (CAS 7440-50-8)</td><td></td></tr> <tr> <td>• cyanide (nonfiltered) (CAS 57-12-5)</td><td></td></tr> </tbody> </table>	• aluminum (CAS 7429-90-5)	• manganese (CAS 7439-96-5)	• antimony (CAS 7440-36-0)	• molybdenum (CAS 7439-98-7)	• arsenic (CAS 7440-38-2)	• total mercury (nonfiltered) (CAS 7439-97-6)	• barium (CAS 7440-39-3)	• pH (instantaneous)	• beryllium (CAS 7440-41-7)	• nickel (CAS 7440-02-0)	• boron (CAS 7440-42-8)	• radioactivity: combined radium-226 & radium-228 (CAS 15262-20-1)	• cadmium (CAS 7440-43-9)	• selenium (CAS 7782-49-2)	• chromium (CAS 7440-47-3)	• silver (CAS 7440-224)	• cobalt (CAS 7440-48-4)	• sulfate (CAS 14808-79-8)	• copper (CAS 7440-50-8)		• cyanide (nonfiltered) (CAS 57-12-5)	
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#	Terms and Conditions
	<ul style="list-style-type: none"> • fluoride (CAS 16984-48-8) • iron (CAS 7439-89-6) • lead (CAS 7439-92-1) • thallium (CAS 7440-28-0) • uranium (CAS 7440-61-1) • zinc (CAS 7440-66-6) <p>The Permittee shall ensure the samples are properly collected, prepared, preserved, transported and analyzed in accordance with the methods authorized in this Discharge Permit. The Permittee shall analyze the samples using analytical methods with reporting limits that are less than the corresponding numerical groundwater standards identified in 20.6.2.3103 NMAC.</p> <p>The Permittee shall submit a summary of measured concentrations compared with the corresponding groundwater standards, a copy of the laboratory report including the laboratory analytical data results, the QA/QC summary and the Chain of Custody, to NMED in the monitoring reports due by August 1st each year.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
39.	<p>The Permittee shall complete LADS (copy enclosed) on a monthly basis that document the amount of nitrogen applied to the land disposal area. The LADS shall reflect the total nitrogen concentration from the most recent wastewater analysis and the measured discharge volumes to disposal area for each month. The Permittee shall complete the LADS with the information above or include a statement that application of wastewater did not occur. The Permittee shall submit the LADS to NMED in the subsequent quarterly monitoring report.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
40.	<p>The Permittee shall submit all records of solids removal and disposal to NMED in the monitoring report due by August 1st each year.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>

C. CONTINGENCY PLAN

#	Terms and Conditions
41.	<p>In the event that groundwater monitoring indicates that groundwater exceeds a standard identified in Section 20.6.2.3103 NMAC, the Permittee shall collect a confirmatory sample from the monitoring well within 15 days of receipt of the initial sampling results to confirm the initial sampling results.</p> <p>Within 60 days of confirmation of groundwater contamination, the Permittee shall submit to NMED a Corrective Action Plan (CAP) that proposes, at a minimum, contaminant source control measures and an implementation schedule. The Permittee shall the CAP as approved by NMED.</p> <p>Once this groundwater exceedance response condition is invoked whether during the term of this Discharge Permit or after the term of this Discharge Permit and prior to the completion of the Discharge Permit closure plan requirements, this condition shall apply until the Permittee has fulfilled the requirements of this condition and groundwater monitoring confirms for a minimum of eight (8) consecutive quarterly samples that groundwater does not exceed the standards of Section 20.6.2.3103 NMAC.</p> <p>Violation of the groundwater standard beyond 180 days after the confirmation of groundwater contamination may cause NMED to require the Permittee to abate water pollution consistent with the requirements and provisions of Section 20.6.2.4101, Section 20.6.2.4103, Subsections C and E of 20.6.2.4106, Section 20.6.2.4107, Section 20.6.2.4108 and Section 20.6.2.4112 NMAC.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>
42.	<p>In the event that information available to NMED indicates that a well is not constructed in a manner consistent with the attached Monitoring Well Guidance; contains insufficient water to effectively monitor groundwater quality; or is otherwise not completed in a manner that is protective of groundwater quality, the Permittee shall install a replacement wells within 120 days following notification from NMED.</p> <p>The Permittee shall survey the replacement monitoring wells within 30 days following well completion.</p> <p>The Permittee shall install replacement wells at locations approved by NMED prior to installation and shall complete replacement wells in accordance with the attachment Monitoring Well Guidance. The Permittee shall submit well construction and lithologic logs survey data and a groundwater elevation contour map to NMED within 60 days following well completion.</p>

#	Terms and Conditions
	<p>The Permittee shall properly plug and abandon a monitoring well requiring replacement upon completion of the replacement monitoring well. The Permittee shall complete the well plugging and abandonment, and shall document the abandonment procedures, in accordance with the attachment Monitoring Well Guidance and all applicable local, state, and federal regulations. The Permittee shall submit a copy of the well abandonment documentation to NMED within 60 days following the replacement well completion.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
43.	<p>In the event that groundwater flow information obtained pursuant to this Discharge Permit indicates that a monitoring well is not appropriately located, e.g., hydrologically downgradient of the discharge location it is intended to monitor, the Permittee shall install a replacement well within 120 days following notification from NMED. The Permittee shall survey the replacement monitoring well within 30 days following well completion.</p> <p>The Permittee shall install replacement wells at locations approved by NMED prior to installation and shall complete replacement wells in accordance with the attachment Monitoring Well Guidance. The Permittee shall submit construction and lithologic logs, survey data and a groundwater elevation contour map within 60 days following well completion.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
44.	<p>In the event that analytical results of a treated wastewater sample indicate an exceedance of the total nitrogen discharge limit set in this Discharge Permit, the Permittee shall collect and submit for analysis a second sample within 48 hours of the receipt of the initial sampling results. In the event the second sample results indicate an exceedance of the discharge limit, the Permittee shall implement the following contingencies.</p> <ol style="list-style-type: none">a) Within 7 days of the second sample analysis date indicating exceedance of the discharge limit, the Permittee shall:<ol style="list-style-type: none">i) notify NMED that the Permittee is implementing the Contingency Plan; andii) submit a copy of the first and second analytical results indicating an exceedance to NMED.b) The Permittee shall increase the frequency of total nitrogen wastewater sampling and analysis of treated wastewater to once per month.c) The Permittee shall examine the operation and maintenance log, required by the Record Keeping conditions of this Discharge Permit, for improper operational procedures.d) The Permittee shall conduct a physical inspection of the treatment system to detect abnormalities. The Permittee shall correct any abnormalities discovered. The

#	Terms and Conditions
	<p>Permittee shall submit a report to NMED detailing the corrections within 30 days of correction.</p> <p>e) In the event that any analytical results from monthly wastewater sampling indicate an exceedance of the total nitrogen discharge limit, the Permittee shall submit a Corrective Action Plan (CAP) to NMED for approval proposing to modify operational procedures and/or upgrade the treatment process to achieve the total nitrogen limit. The Permittee shall submit the CAP including a schedule for completion of corrective actions and within 90 days of receipt of the analytical results of the second sample indicating that the discharge limit is continuing to be exceeded. The Permittee shall initiate implementation of the CAP following approval by NMED.</p> <p>When analytical results from three consecutive months of wastewater sampling do not exceed the discharge limit, the Permittee may request NMED authorize a return to a quarterly monitoring frequency.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
45.	<p>In the event that analytical results of a treated domestic wastewater sample indicate an exceedance of the maximum discharge limit for fecal coliform bacteria set by this Discharge Permit, the Permittee shall collect and submit for analysis a second sample within 24 hours after becoming aware of the exceedance. In the event the second sample results confirm the exceedance of the maximum discharge limit, the Permittee shall implement the Contingency Plan below.</p> <p style="text-align: center;">AND / OR</p> <p>In the event that analytical results of a treated domestic wastewater sample indicate an exceedance of the 30-day average discharge limit for fecal coliform set by this Discharge Permit (i.e., confirmed exceedance), the Contingency Plan below shall be implemented.</p> <p><u>Contingency Plan</u></p> <p>a) Within 48 hours of becoming aware of a confirmed exceedance (as identified above), the Permittee shall:</p> <ul style="list-style-type: none"> i) notify NMED that the Permittee is implementing the Contingency Plan; and ii) submit copies of the recent analytical results indicating an exceedance to NMED. <p>b) The Permittee shall examine the operation and maintenance log, required by the Record Keeping conditions of this Discharge Permit, for improper operational procedures.</p> <p>c) The Permittee shall conduct a physical inspection of the treatment system to detect abnormalities. The Permittee shall correct any abnormalities discovered. The</p>

#	Terms and Conditions
	<p>Permittee shall submit a report detailing the corrections made to NMED within 30 days following correction.</p> <p>If a Facility is required to implement the Contingency Plan more than two times in a 12-month period, the Permittee shall propose to modify operational procedures and/or upgrade the treatment process to achieve consistent compliance with the maximum and 30-day average discharge limits by submitting a Corrective Action Plan (CAP) for NMED approval. The CAP shall include a schedule for completion of corrective actions and submitted within 60 days following receipt of the analytical results confirming the exceedance. The Permittee shall initiate implementation of the CAP following approval by NMED. NMED may require, prior to recommencing discharge to the land disposal area, additional sampling of any stored treated domestic wastewater in response to the submitted CAP.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
46.	<p>In the event that the LADS (copy enclosed) show that the amount of nitrogen in wastewater applied in any 12-month period exceeds 200 pounds per acre, the Permittee shall propose the reduction of nitrogen loading to the land disposal area by submitting a Corrective Action Plan (CAP) to NMED for approval. The Permittee shall ensure the CAP includes a schedule for completion of corrective actions and is submitted within 90 days following the end of the monitoring period in which the exceedance occurred. The Permittee shall implement the CAP following approval by NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
47.	<p>In the event that an inspection reveals significant damage has occurred or is likely to affect the structural integrity of an impoundment or liner or their ability to contain contaminants, the Permittee shall propose the repair or replacement by submitting a Corrective Action Plan (CAP) to NMED for approval. The Permittee shall ensure the CAP is submitted to NMED within 30 days after discovery of the damage or following notification from NMED that significant damage is evident. The Permittee shall ensure the CAP includes a schedule for completion of corrective actions. The Permittee shall initiate implementation of the CAP following approval by NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
48.	<p>In the event that an impoundment cannot preserve a minimum of two feet of freeboard, the Permittee shall take actions to restore the required freeboard as authorized by this Discharge Permit and all applicable local, state, and federal regulations.</p>

#	Terms and Conditions
	<p>In the event that two feet of freeboard cannot be restored within a period of 72 hours following discovery, the Permittee shall propose actions to restore two feet of freeboard by submitting a short-term Corrective Action Plan (CAP) to NMED for approval. Examples of short-term corrective actions include the pumping and hauling of excess wastewater from the impoundment or reducing the volume of wastewater discharged to the impoundment. The Permittee shall ensure the CAP includes a schedule for completion of corrective actions. The Permittee shall submit the CAP within 15 days following the date the Permittee or the NMED discover the exceedance. The Permittee shall implement the CAP following NMED approval.</p> <p>In the event that the short-term corrective actions fail to restore two feet of freeboard, the Permittee shall submit to NMED a proposal for permanent corrective actions in a long-term CAP. The Permittee shall submit the long-term CAP within 90 days following failure of the short-term CAP. Examples corrective actions include the installation of an additional storage impoundment or a significant and permanent reduction in the volume of wastewater discharged to the impoundment. The Permittee shall ensure the long-term CAP includes a schedule for completion of corrective actions. The Permittee shall implement the CAP following NMED approval.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
49.	<p>In the event the average solids accumulation exceeds one-third of the maximum liquid depth in the impoundments, the Permittee shall propose a plan for the removal and disposal of the solids. The Permittee shall submit the solids removal and disposal plan to NMED for approval within two years and two months days following the issuance date of this Discharge Permit (by DATE) and includes the following information.</p> <ul style="list-style-type: none"> a) A method for removal of the solids to a depth of less than six inches throughout the treatment impoundment in a manner that is protective of the impoundment liner. b) A description of how the Permittee will contain, transport, and dispose of the solids in accordance with all local, state, and federal regulations, including 40 CFR Part 503. c) A schedule for completion of the solids removal and disposal project. <p>The Permittee shall initiate implementation of the plan following approval by NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
50.	<p>In the event that a release occurs that is not authorized under this Discharge Permit (commonly known as a “spill”), the Permittee shall take measures to mitigate damage from the unauthorized discharge and initiate the notifications and corrective actions required in Section 20.6.2.1203 NMAC and summarized below.</p>

#	Terms and Conditions
	<p>Within <u>24 hours</u> following discovery of the unauthorized discharge, the Permittee shall verbally notify NMED and provide the following information.</p> <ul style="list-style-type: none"> a) The name, address, and telephone number of the person or persons in charge of the Facility, as well as of the owner and/or operator of the Facility. b) The name and address of the Facility. c) The date, time, location, and duration of the unauthorized discharge. d) The source and cause of unauthorized discharge. e) A description of the unauthorized discharge, including its estimated chemical composition. f) The estimated volume of the unauthorized discharge. g) Any actions taken to mitigate immediate damage from the unauthorized discharge. <p>Within <u>one week</u> following discovery of the unauthorized discharge, the Permittee shall submit written notification to NMED providing the information listed above and any pertinent updates.</p> <p>Within <u>15 days</u> following discovery of the unauthorized discharge, the Permittee shall submit a Corrective Action Plan (CAP) to NMED describing any corrective actions previously taken and corrective actions to be taken relative to the unauthorized discharge. The CAP shall include the following information.</p> <ul style="list-style-type: none"> a) A description of proposed actions to mitigate damage from the unauthorized discharge. b) A description of proposed actions to prevent future unauthorized discharges of this nature. c) A schedule for completion of proposed actions. <p>In the event that the unauthorized discharge causes or may with reasonable probability cause water pollution in excess of the standards and requirements of Section 20.6.2.4103 NMAC, and the water pollution will not be abated within 180 days after notice is required to be given pursuant to Paragraph (1) of Subsection A of 20.6.2.1203 NMAC, NMED may require the Permittee to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC.</p> <p>The Permittee shall not construe anything in this condition as relieving them of the obligation to comply with all requirements of Section 20.6.2.1203 NMAC.</p> <p>[20.6.2.1203 NMAC]</p>
51.	<p>In the event that NMED or the Permittee identifies any failures of the discharge plan, i.e., the application, or this Discharge Permit not specifically noted herein, NMED may require the Permittee to submit a Corrective Action Plan and a schedule for completion of</p>

#	Terms and Conditions
	corrective actions to address the failure(s). Additionally, NMED may require a discharge permit modification to achieve compliance with 20.6.2 NMAC. [Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]

D. CLOSURE PLAN

#	Terms and Conditions
52.	<p>The Permittee shall perform the following closure measures in the event the Facility, or a component thereof, is proposed to be permanently closed.</p> <p>Within <u>60 days</u> of ceasing to discharge to the impoundments, the Permittee shall plug the line leading to the impoundments so that a discharge can no longer occur.</p> <p>Within <u>60 days</u> of ceasing to discharge to the impoundments, the Permittee shall discharge wastewater from the impoundments and any other wastewater system component to the land disposal area, as authorized by this Discharge Permit. The Permittee shall not discharge accumulated solids (sludge) from the impoundment to the disposal area.</p> <p>Within <u>90 days</u> of ceasing to discharge to the impoundments, the Permittee shall submit a sludge removal and disposal plan to NMED for approval. The Permittee shall implement the plan within 30 days following approval by NMED. The sludge removal and disposal plan shall include the following information.</p> <ul style="list-style-type: none">a) The estimated volume and dry weight of sludge planned for removal and disposal, including measurements and calculations.b) Analytical results for samples of the sludge taken from the impoundment for TKN, NO₃-N, percent total solids, and any other parameters tested (reported in mg/kg, dry weight basis).c) The method of sludge <i>removal</i> from the impoundments.d) The method of <i>disposal</i> for all of the sludge (and its contents) removed from the impoundments. The method shall comply with all local, state and federal regulations, including 40 CFR Part 503. <i>Note: A proposal that includes the surface disposal of sludge may be subject to Groundwater Discharge Permitting requirements pursuant to 20.6.2.3104 NMAC that are separate from the requirements of this Discharge Permit.</i>e) A schedule for completion of sludge removal and disposal not to exceed two years from the date discharge to the impoundments ceased.

#	Terms and Conditions
	<p>Within <u>one year</u> following completion of the sludge removal and disposal, the Permittee shall complete the following closure measures.</p> <ol style="list-style-type: none"> Remove all lines leading to and from the impoundments, or permanently plug and abandon them in place. Remove or demolish any other wastewater system components and re-grade area with suitable fill to blend with surface topography, promote positive drainage and prevent ponding. Perforate or remove the impoundment liners. Fill the impoundments with suitable fill. Re-grade the impoundment site to blend with surface topography, promote positive drainage and prevent ponding. <p>The Permittee shall continue groundwater monitoring until the Permittee meets the requirements of this condition and groundwater monitoring confirms for a minimum of eight consecutive quarterly groundwater sampling events that groundwater does not exceed the standards of Section 20.6.2.3103 NMAC . This period is referred to as “post-closure.”</p> <p>If at any time monitoring results show an exceedance of a groundwater quality standard in Section 20.6.2.3103 NMAC, the Permittee shall implement the Contingency Plan required by this Discharge Permit.</p> <p>Following notification from NMED that the Permittee may cease post-closure monitoring, the Permittee shall plug and abandon the monitoring well(s) in accordance with the attachment Monitoring Well Guidance.</p> <p>When the Permittee has met all closure and post-closure requirements and verified with date stamped photographic evidence or an associated NMED inspection, the Permittee may submit to NMED a written request, including photographic evidence, for termination of the Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection D of 20.6.2.4103 NMAC, 40 CFR Part 503]</p>

E. GENERAL TERMS AND CONDITIONS

#	Terms and Conditions
53.	<p>RECORD KEEPING - The Permittee shall maintain a written record of the following:</p> <ul style="list-style-type: none"> Information and data used to complete the application for this Discharge Permit;

#	Terms and Conditions
	<ul style="list-style-type: none">• Information, data, and documents demonstrating completion of closure activities;• Any releases (commonly known as “spills”) not authorized under this Discharge Permit and reports submitted pursuant to 20.6.2.1203 NMAC;• The operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater;• Facility record drawings (plans and specifications) showing the actual construction of the Facility and bear the seal and signature of a licensed New Mexico professional engineer;• Copies of logs, inspection reports, and monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit;• The volume of wastewater or other wastes discharged pursuant to this Discharge Permit;• Groundwater quality and wastewater quality data collected pursuant to this Discharge Permit;• Copies of construction records (well log) for all sampled groundwater monitoring wells pursuant to this Discharge Permit;• The maintenance, repair, replacement or calibration of any monitoring equipment or flow measurement devices required by this Discharge Permit; and• Data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit, including:<ul style="list-style-type: none">○ the dates, location and times of sampling or field measurements;○ the name and job title of the individuals who performed each sample collection or field measurement;○ the sample analysis date of each sample○ the name and address of the laboratory, and the name of the signatory authority for the laboratory analysis;○ the analytical technique or method used to analyze each sample or collect each field measurement;○ the results of each analysis or field measurement, including raw data;○ the results of any split, spiked, duplicate or repeat sample; and○ a copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used. <p>The Permittee shall maintain the written record at a location accessible to NMED during a Facility inspection for the lifetime of the Discharge Permit. The Permittee shall make the record available to the department upon request.</p> <p>[Subsections A and D of 20.6.2.3107 NMAC]</p>

#	Terms and Conditions
54.	<p>SUBMITTALS – The Permittee shall submit both a paper copy and an electronic copy of all notification and reporting documents required by this Discharge Permit, e.g., monitoring reports. The paper and electronic documents shall be submitted to the NMED Permit Contact identified on the Permit cover page.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
55.	<p>INSPECTION and ENTRY – The Permittee shall allow NMED to inspect the Facility and its operations that are subject to this Discharge Permit and the WQCC regulations. NMED may upon presentation of proper credentials, enter at reasonable times upon or through any premises in which a water contaminant source is located or in which any maintained records required by this Discharge Permit, the regulations of the federal government, or the WQCC are located.</p> <p>The Permittee shall allow NMED to have access to and reproduce for their use any copy of the records, and to perform assessments, sampling or monitoring during an inspection for the purpose of evaluating compliance with this Discharge Permit and the WQCC regulations.</p> <p>No person shall construe anything in this Discharge Permit as limiting in any way the inspection and entry authority of NMED under the WQA, the WQCC Regulations, or any other local, state or federal regulations.</p> <p>[Subsection D of 20.6.2.3107 NMAC, NMSA 1978, §§ 74-6-9.B and 74-6-9.E]</p>
56.	<p>DUTY to PROVIDE INFORMATION - The Permittee shall, upon NMED's request, allow for NMED's inspection/duplication of records required by this Discharge Permit and/or furnish to NMED copies of such records.</p> <p>[Subsection D of 20.6.2.3107 NMAC]</p>
57.	<p>MODIFICATIONS and/or AMENDMENTS – In the event the Permittee proposes a change to the Facility or the Facility's discharge that would result in a change in the volume discharged; the location of the discharge; or in the amount or character of water contaminants received, treated or discharged by the Facility, the Permittee shall notify NMED prior to implementing such changes. The Permittee shall obtain NMED's approval (which may require modification of this Discharge Permit) prior to implementing such changes.</p> <p>[Subsection C of 20.6.2.3107 NMAC, Subsections E and G of 20.6.2.3109 NMAC]</p>

#	Terms and Conditions
58.	<p>PLANS and SPECIFICATIONS – In the event the Permittee proposes to construct a wastewater system or change a process unit of an existing system such that the quantity or quality of the discharge will change substantially from that authorized by this Discharge Permit, the Permittee shall submit construction plans and specifications of the proposed system or process unit to NMED for approval prior to the commencement of construction.</p> <p>In the event the Permittee implements changes to the wastewater system authorized by this Discharge Permit that result in only a minor effect on the character of the discharge, the Permittee shall report such changes (including the submission of record drawings where applicable) to NMED prior to implementation.</p> <p>[Subsections A and C of 20.6.2.1202 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
59.	<p>CIVIL PENALTIES - Any violation of the requirements and conditions of this Discharge Permit, including any failure to allow NMED staff to enter and inspect records or facilities, or any refusal or failure to provide NMED with records or information, may subject the Permittee to a civil enforcement action. Pursuant to WQA 74-6-10(A) and (B), such action may include a compliance order requiring compliance immediately or in a specified time, assessing a civil penalty, modifying or terminating the Discharge Permit, or any combination of the foregoing; or an action in district court seeking injunctive relief, civil penalties, or both. Pursuant to WQA 74-6-10(C) and 74-6-10.1, civil penalties of up to \$15,000 per day of noncompliance may be assessed for each violation of the WQA 74-6-5, the WQCC Regulations, or this Discharge Permit, and civil penalties of up to \$10,000 per day of noncompliance may be assessed for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision. In any action to enforce this Discharge Permit, the Permittee waives any objection to the admissibility as evidence of any data generated pursuant to this Discharge Permit.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10 and 74-6-10.1]</p>
60.	<p>CRIMINAL PENALTIES – No person shall:</p> <ul style="list-style-type: none">• Make any false material statement, representation, certification or omission of material fact in an application, record, report, plan or other document filed, submitted or maintained under the WQA;• Falsify, tamper with or render inaccurate any monitoring device, method or record maintained under the WQA; or• Fail to monitor, sample or report as required by a permit issued pursuant to a state or federal law or regulation.

#	Terms and Conditions
	<p>Any person who knowingly violates or knowingly causes or allows another person to violate the requirements of this condition is guilty of a fourth-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who is convicted of a second or subsequent violation of the requirements of this condition is guilty of a third-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition or knowingly causes another person to violate the requirements of this condition and thereby causes a substantial adverse environmental impact is guilty of a third-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition and knows at the time of the violation that he is creating a substantial danger of death or serious bodily injury to any other person is guilty of a second degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F]</p>
61.	<p>COMPLIANCE with OTHER LAWS - Nothing in this Discharge Permit shall be construed in any way as relieving the Permittee of the obligation to comply with any other applicable federal, state, and/or local laws, regulations, zoning requirements, nuisance ordinances, permits or orders.</p> <p>[NMSA 1978, § 74-6-5.L]</p>
62.	<p>RIGHT to APPEAL - The Permittee may file a petition for review before the WQCC on this Discharge Permit. Such petition shall be in writing to the WQCC within thirty days of the receipt of postal notice of this Discharge Permit and shall include a statement of the issues raised and the relief sought. Unless the Permittee files a timely petition for review, the decision of NMED shall be final and not subject to judicial review.</p> <p>[20.6.2.3112 NMAC, NMSA 1978, § 74-6-5.O]</p>
63.	<p>TRANSFER of DISCHARGE PERMIT - Prior to the transfer of any ownership, control, or possession of this Facility or any portion thereof, the Permittee shall:</p> <ul style="list-style-type: none">• Notify the proposed transferee in writing of the existence of this Discharge Permit;• Include a copy of this Discharge Permit with the notice; and• Deliver or send by certified mail to NMED a copy of the notification and proof that the proposed transferee has received such notification. <p>The Permittee shall continue to be responsible for any discharge from the Facility, until both ownership and possession of the Facility have been transferred to the transferee.</p>

#	Terms and Conditions
	[20.6.2.3111 NMAC]
64.	<p>PERMIT FEES – The Permittee shall be aware that the payment of permit fees is due at the time of Discharge Permit approval. The Permittee may pay the permit fees in a single payment or they may pay the fee in equal installments on a yearly basis over the term of the Discharge Permit. The Permittee shall remit single payments to NMED no later than 30 days after the Discharge Permit issuance date. The Permittee shall remit initial installment payments to NMED no later than 30 days after the Discharge Permit issuance date; with subsequent installment payments remitted to NMED no later than the anniversary of the Discharge Permit issuance date.</p> <p>Permit fees are associated with <u>issuance</u> of this Discharge Permit. No person shall construe anything in this Discharge Permit as relieving the Permittee of the obligation to pay all permit fees assessed by NMED. A Permittee that ceases discharging or does not commence discharging from the Facility during the term of the Discharge Permit shall pay all permit fees assessed by NMED. NMED shall suspend or terminate an approved Discharge Permit if the Permittee fails to remit an installment payment by its due date.</p> <p>[Subsection F of 20.6.2.3114 NMAC, NMSA 1978, § 74-6-5.K]</p>